

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY R. ROE,

Defendant.

4:16CR3067

ORDER

After reviewing the evaluation from Mario J. Scalora, Ph.D., (Filing No. 45), and conferring with counsel, the court finds Defendant may currently lack the ability to properly assist counsel in the defense of this case.

Accordingly,

IT IS ORDERED:

- 1) Defendant is currently unable to stand trial. The time between January 31, 2017, the date of defense counsel's notice that competency may be an issue, and any determination, if any, that Defendant is competent and able to assist counsel in his defense, shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161 (h)(4).
- 2) Defendant is remanded to the custody of the Attorney General of the United States for mental health and cognitive care and treatment, including but not limited to competency restoration, at a suitable facility, pursuant to the provisions of 18 U.S.C. §§ 4241 and 4247.
- 3) The United States Marshal shall forthwith, without delay, transport the defendant to a Federal Medical Center facility as identified by the Attorney General of the United States, in accordance with this order, at no cost to the defendant. The Marshal shall ensure the defendant receives all currently prescribed medications during transport to and from the Federal Medical Center.

- 4) The clerk shall provide a copy of this order to the Marshal upon filing.
- 5) The clerk shall set a case management deadline of May 2, 2017 to check on Defendant's transfer status and the location of the evaluating facility. The clerk shall place a non-public remark in the record when the location information is known and shall set a case management deadline 60 days thereafter to follow up with the Marshal regarding Defendant's location and evaluation status.
- 6) If Defendant is not returning to this district within 90 days of this order, the clerk shall bring this case to my attention.

April 14, 2017.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge